

Peace of Mind about Pesticides

In August President Clinton continued his campaign of using federal action to protect food safety when he signed into law an overhaul of the legislation that sets permissible levels for pesticide residues in foods. The legislation (P.L. 104-170), known as the Food Quality Protection Act, supplants sections of both the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). The new act received support from a number of environmental, public health, industry, and agricultural groups and was passed nearly unanimously by Congress.

Clinton said the new Food Quality Protection Act was the culmination of previous efforts to ensure the safety of American food and water. Less than a month earlier, the president had announced reforms of the federal safety rules governing meat and poultry, replacing a 90-year-old inspection program based on sight, touch, and smell with one based on assessment of microbial contamination. In December 1995, the Food and Drug Administration took aim at the seafood industry, revamping rules governing how fish processors should protect the public health.

The main effect of the latest legislation will be to attack regulatory inconsistencies in the two major pesticide statutes. Under the new law, the patchwork of standards included in the FFDCA and FIFRA will be replaced by the requirement that pesticide residue levels in food be "safe," defined as "a reasonable certainty that no harm will result from aggregate exposure." It is hoped that this approach will keep problems like the FFDCA's "Delaney paradox" from arising. Under the Delaney clause, cancer-causing agents were kept out of foods completely if the agent would be more concentrated in the processed food than in the raw agricultural commodity. Paradoxically, such pesticides were sometimes replaced by more dangerous though noncarcinogenic chemicals. The new standards will apply equally to all risks, without giving special treatment to cancer risks.

Other provisions in the act should impart greater flexibility to the EPA in determining how pesticides may be used. In certain narrow circumstances, for example, the new law allows limits for pesticide residues to be set that do not meet the law's safety standards if it can be shown that the benefits afforded by such an application far outweigh the risks. Specifically, such tolerances will be allowed if the pesti-

cide protects the public from a greater health risk or if a more stringent tolerance would result in "a significant disruption in domestic production of an adequate, wholesome, and economical food supply." The new law also gives the EPA greater power to suspend the use of pesticides in emergency situations, and it allows the agency to expedite the review of new pesticides to replace more dangerous ones currently in use. In late August, the EPA took advantage of these new powers when it allowed the emergency use of the pesticide pyridaben to control mites on apples in Delaware, New Jersey, and Virginia. EPA concluded that pyridaben was the only viable alternative to

the miticide propargite, which had been used on apples until its manufacturer canceled such uses because of dietary health risk concerns.

Based on recommendations made by the National Academy of Sciences in its 1993 report *Pesticides in the Diets of Infants and Children*, the law will also require for the first time that the EPA publish a specific assessment of a pesticide's risk to infants and children before tolerances are set. Under the law, an additional safety factor can be included in the tolerances to account for the higher vulnerability of young people. "Chemicals can go a long way in a small body," President Clinton said in his weekly radio address after signing the bill into law. "If a pesticide poses a danger to our children, then it won't be in our food."

Another groundbreaking provision in the Food Quality Protection Act is its requirement that pesticides eventually be screened for estrogenic and other endocrine effects. The act sets forth an ambitious schedule for the EPA, requiring that it develop a screening program within two years, implement it within three years, and be ready to report back to Congress in four years with recommendations for safety standards based on the studies. Though the study of endocrine disruptors has been a high priority at the EPA in recent years, little is known yet about the mechanisms by which environmental chemicals affect human hormones.

To help consumers stay informed about what pesticides are in their foods and the possible dangers associated with them, the new law requires that the EPA publish a short consumer-directed pamphlet explaining such risks and warning the public of any loose tolerances that the EPA has established based on a pesticide's benefits. This way, consumers would know, for example, if their apples had been treated with pyridaben while the EPA was permitting its emergency use. The pamphlets would be distributed to large retail grocers to pass on to their customers.

The Food Quality Protection Act also authorizes the EPA to monitor pesticide residue levels in food and levy civil penalties for noncompliance. It makes EPA tolerance levels the national standard, in most cases preempting even more stringent state laws. The act requires that the EPA review all current pesticide tolerance levels over the next 10 years, and requires the agency to reassess all tolerances on a 15-year cycle.

"I like to think of it as the Peace of Mind Act," President Clinton said, "because parents will know that the fruits, grains, and vegetables that their children eat are safe."



Another step to safety. The new Food Quality Protection Act will revamp federal rules for food safety including standards for handling and pesticide residues.